

PLAT NO. S/D 72-133 MAP NO. 5647

NAME CHEL C. MEADE ADDITION

LOCATION At the Northwest corner of Kellogg and Lorraine

ENGINEER K. O. Taylor

OWNER Chel C. Meade

APPLICATION FILED 12/11/72

SKETCH PLAT FILED 12/11/72

PRELIMINARY FILED _____

S/D ACTION _____

FINAL FILED 12/11/72

S/D ACTION 12/21/72 Approved subj to conditions

MAPC ACTION 1-11-73 Approved as recommended

BCC ACTION Deferred for 4 weeks 2/20/73

BCC Approved subject to letter of 3/20/73

RECORDED Agreement

REMARKS 7-27-73

S/D 72-133 CHEL C. MEADE ADDITION
At the Northwest corner of Kellogg
and Lorraine. Chel C. Meade by
Dale Stinson

ACTION

S/D COMMITTEE (final) Approved ^{DATE} subj to 12-21-72
conditions

M.A.P.C. (final) Approved ^{DATE} as amended 1-11-73

B.C.C./B. CO. C. Proposed ^{DATE} for Grants 2-20-73

BCC Approved ^{DATE} 3-20-73
subject to letter of
agreement.

Map No. 5647
Sec. No. 22
Twp. No. 27S
Range 1E

Subdivision Report and Progress

S/D No.: 72-133

Name: CHEL C. MEADE ADDITION

General Location: At the Northwest corner of Kellogg and Lorraine

Owner: Chel C. Meade

Address: 2510 East Central ¹⁴

Phone: 683-5673

~~XXXXXXXX~~ Subdivider: Agent: Dale Stinson

Address: R. H. Garvey Bldg.

Phone: 264-91377

Engineer/Surveyor: K. O. Taylor

Address: 1542 S. St. Francis

Phone: 264-4072

Application Received 12/11/72

Conf. with Applicant none

Sketch Plat Received 12/11/72

Present Zoning "A" "LC"

* Proposed Zoning "LC"

Letter of Intent none

PREL. PLAT RECEIVED none submitted

S/D Comm. Action _____

Dept. Report on Prel. _____

TRACING PROGRESS:

Received 2-12-73

Released 5-22-73

Received _____

Released _____

FINAL PLAT RECEIVED 12/11/72

S/D Comm. Action 12/21/72

Approved subj to conditions

Dept. Report on Final 12-22-72

M.A.P.C. ACTION 12-28-72 that was

Dept. Report on Final 1-12-73

Letter on Irons Received N/A

Title/Taxes Rec'd & Reviewed 2-12-73

Final Review 2-15-73

Referral to B.C.C. 2-15-73

B.C.C. ACTION 2-20-73 Defered for

final

B.C.C. Recorded 3-20-73

Opinion sub to

letter of

agreement

Comments:

* Associated zone case 2-1393 "A" to "E"

4/16/73 Left word for Chel C. Meade that plat tracing is OK

5/14/73 to pick-up for recording

Called again to pick up tracing

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

J
7-31-73

Chel C. Meade ADDITION was
filed for record on July 27, 1973

John Hale
Register Of Deeds

T9-328

March 20, 1973

Bob Feldner, Supt of Central Inspection

Jack H. Galbraith, Chief Planner

S/D 72-133 - Final Plat of CHEL C. MEADE ADDITION

The Board of City Commissioners at its regular meeting of March 20, 1973, considered the above captioned plat. Their action was to approve the petitions and instruct the Director of Law to prepare the necessary resolutions; instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

Ray Bruggeman asked that I forward you a copy of the Letter of Agreement so that you would be aware that the applicant has agreed not to request a building permit for at least 6 months. Attached is a copy of that Letter of Agreement for your information and files.

JHG:rw
attachment
cc: Ray Bruggeman

March 26, 1973

Ralph Eberly, City Clerk

Jack H. Galbraith, Chief Planner

S/D 72-133 - Final Plat of CHEL C. MEADE ADDITION

The Board of City Commissioners at its regular meeting of March 20, 1973, considered the above captioned plat. Their action was to approve the petitions and instruct the Director of Law to prepare the necessary resolutions; instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

In addition, the City Commission received and filed a voluntary agreement from the applicant that he would not request a building permit for at least 6 months. Attached for your files is the original letter of agreement.

JHG:rw

attachment

cc: Ralph Wulz, City Manager

March 24, 1973

Wichita City Commission
City Building
Wichita, Kansas

Re: S/D 72-133 - Final Plat of
CHEL C. MEADE ADDITION

Gentlemen:

On March 20, 1973, the Wichita City Commission considered and did approve the final plat of Chel C. Meade Addition.

Pursuant to statements made by me at the commission hearing on March 20, 1973, this is to advise and I do hereby agree that I will, for at least six months, refrain from making application for a building permit on subject property, viz., Chel C. Meade Addition.

I am making this agreement to enable the City of Wichita to acquire my property located on East Kellogg in accordance with the future Kellogg improvements.

Very truly yours,

Chel C. Meade

*Original Signed -
Received 3/26/73*

March 20, 1973

Mr. Dale B. Stinson, Jr.
Attorney
430 R. H. Garvey Building
Wichita, Kansas 67202

RE: S/D 72-133 - Final Plat of
CHEL C. MEADE ADDITION

Dear Mr. Stinson:

The Board of City Commissioners at its regular meeting of March 20, 1973, considered the above captioned plat. Their action was to approve the petitions and instruct the Director of Law to prepare the necessary resolutions; instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign. The Commission also received and filed the letter of agreement which your client volunteered to submit, which assures that he will not attempt to obtain a building permit on subject property for at least 6 months. The purpose of this letter was to allow sufficient time for the City to acquire the property for future Kellogg improvements. I would appreciate your submitting this letter to our office at your earliest convenience so that I can forward it to the office of the City Clerk.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

cc: Chel C. Meade, 2510 East Central 67214
K. O. Taylor, 1542 South St. Francis 67211

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE March 15, 1973



ON SAFETY
PHASE II

TO Ralph Wulz, City Manager

FROM John Dekker, Director of Law

SUBJECT S/D No. 72-133
Chel C. Meade Addition

Your communication under date of February 23, has been received and reviewed by the Department of Law, and the matter has been discussed with the Director of Planning. Attached hereto are copies of the Subdivision Regulations controlling the matter of platting. Your attention is directed to the following pertinent provisions of said Regulations:

- (a) Section 3-203, Page 6 (Duties of the Planning Commission);
- (b) Section 4-303-4-5, Pages 13 and 14 (Action of Planning Commission - Failure to Act - and Submission to Governing Body);
- (c) Article 7, Page 28 (General Standards Governing Subdivision of land).



Chapter 12-705 and 716, et seq., of the Kansas Statutes, the Joint Ordinance and Resolution of Wichita and Sedgwick County and the Agreement entered into between the City of Wichita and Sedgwick County on September 19, 1967, grant to the Metropolitan Area Planning Commission the authority of reviewing and approving proposed plats and enforcing the provisions of the Subdivision Regulations controlling platting and above referred to. The question of access control, which was mentioned at the meeting of February 28, is not specifically spelled out in the foregoing Subdivision Regulations, but it does generally fall under 7-201(A), Page 29, in dealing with the "character" of the streets. The case law of Kansas has established that the Planning Commission has the right to deal with and review this type of question. The sections of Subdivision Regulations above referred to permits the Planning Commission to consider the regulations as a whole, the comprehensive plan for the area, the zoning regulations, and other applicable provisions of local ordinances and regulations in reviewing proposed plats.

It should be noted that the above referenced State Statutes, the Joint Ordinance - Resolution, the Agreement between the City of Wichita and Sedgwick County,

Ralph Wulz, City Manager
page 2
March 15, 1973

and the Subdivision Regulations do not make it mandatory that the governing body accept the approval of the Planning Commission of a proposed plat. Section 4-305, at Page 14, states as follows:

"Before a final plat is recorded it shall be submitted to the appropriate governing body for its acceptance of the streets and other public ways, service and utility easements, and land dedicated for public use."

The concluding sentence of said Section provides that the failure of the governing body to accept the dedications shown on the plat "shall be deemed to be a refusal of the proposed dedications shown thereon". It has been suggested that the foregoing language limits the governing body's action to the "formal" acceptance of the dedication and does not give to the governing body the right to finally determine whether a proposed plat should be approved or rejected.

In approaching the question as to the governing body's responsibilities to approve a plat previously approved by the Planning Commission, the two following principles should be considered. First, the Kansas Statutory sections above referred to have been held by our Kansas Supreme Court to be "plainly directory" rather than mandatory. In the case of Burke and McCaffrey, Inc. v. City of Merriam, 198 Kan. 325, our Supreme Court clearly and succinctly observed that under the State Statute:

". . . the function of the planning commission is advisory only, its authority being limited to a study of the facts and submission of its recommendations to the governing body wherein authority to take final action lies."

Said rule seems to be fortified by the concluding sentence of Chapter 12-720 K.S.A., 1972 Supp., which states:

"The metropolitan or regional planning commission shall have the duty and function of promoting public interest and necessity for long-term coordinated planning for the metropolitan or regional area, but its official recommendations shall be made to the governing bodies of the cooperative cities or counties." (Applicable to Wichita - Sedgwick County)

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March 15, 1973

A review of both the Ordinance - Resolution No. 29-610 adopted by the City and County December 6, 1967 and December 19, 1967, and the accompanying Agreement dated December 19, 1967, would again seem to recognize the Planning Commission as an advisory body to both governing bodies, since said documents repeatedly refer to "recommendations".

The strong conclusion from a review of the above referenced authority would seem to be that the function or jurisdiction of the Planning Commission is advisory only and said authorities in no way legally elevate the findings and determinations of the Planning Commission to a position superior to that of the appropriate governing body.

The second principle of law is resolving the question as to whether a governing body may refuse to approve a plat for any reason after all of the requirements and conditions of the Subdivision Regulations have been fully complied with and the plat approved by the Planning Commission.

It is important to note that the legal remedy of "mandamus" has been successfully employed to require approval of a subdivision plat by a governing body. "Mandamus" to compel plat approval has been successful where the court, applying common-law principles, determined that when a subdivider has complied with all of the standards for plat approval, such approval is a ministerial act which the court may compel through a writ of mandamus. "Mandamus" has been successful where the refusal of a governing body was based upon requirements not imposed by the statutes or by ordinance. Courts have held that the refusal of a governing body to approve a subdivision of land which has been recommended by a planning commission is an administrative act which may be reviewed by the court on appeal from such decision. (See Anderson, American Law of Zoning, Chapter 19, "Subdivision Controls".)

The foregoing comments are particularly significant since our Kansas Supreme Court has, in effect, recognized the right of a court to review the actions of a governing body in a mandamus proceeding. In the Burke case heretofore referred to, the jurisdiction of the District Court of Johnson County was invoked in a mandamus action seeking a court order directing the City of Merriam, through its governing body, to approve the plat which had been previously approved by the Planning Commission.

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The landowner in said action asserted that the actions of the governing body in refusing to approve the plat were unreasonable and unlawful under the circumstances. Though our Supreme Court upheld the action of the governing body of the City of Merriam in refusing to approve the plat, it did so on the basis that the city was justified under its regulatory powers and that the city's concern in the planning of streets in the interest of public safety and welfare was not unreasonable.

The significant point is that a court will review the actions of a governing body in refusing to approve a plat previously approved by a planning commission and will uphold the city's refusal if it (the court) finds the action to be reasonable. The logical inference from that case is that, absent a showing of reasonableness, a court could very well issue a writ of mandamus and direct the approval and recording of a plat. In other words, a court will review the reasons for a governing body refusing to approve a plat.

We have been unable to find any legal authority wherein a governing body has refused to approve a plat for the reason that the property involved may subsequently be taken by way of condemnation or eminent domain proceedings. Because of the speculative feature underlying such a reason, it is extremely doubtful, in our opinion, that a court would find the refusal to approve a plat to be reasonable. This would seem to be particularly true since all of the conditions and requirements of the Subdivision Regulations authorized to be imposed by the State Statutes have, in fact, been fully complied with. Neither the State Statutes nor the Subdivision Regulations adopted thereunder authorize the imposition of additional conditions such as the possible taking of the property for public use. To conclude otherwise would make it practically impossible for a property owner to attempt to develop his land with any degree of certainty as to the conditions or requirements with which he may be confronted. A firm commitment to condemn or purchase within a reasonable time would, however, in our opinion be reason to deny or stay plat approval.

John Dekker
Director of Law

JD:HK:cr

cc: Robert A. Lakin, Director of Planning

3-202. Duties of the Planning Department. The Planning Department shall administer the provisions of these regulations and in furtherance of such authority, the said department shall:

- (A) Maintain permanent and current records with respect to these regulations, including amendments thereto.
- (B) Receive and file all sketch plans, preliminary plats, and final plats, together with applications therefor.
- (C) Forward copies of the preliminary plat to other appropriate governmental agencies and departments and public utilities for their report and recommendations, when such report and recommendations are necessary or desirable.
- (D) Review all preliminary plats to determine whether such plats comply with these regulations and review all final plats to determine whether they comply with the preliminary plat and these regulations.
- (E) Forward preliminary and final plats to the Subdivision Committee of the Planning Commission, when required by these regulations, together with its recommendations thereon.
- (F) Forward final plats to the Planning Commission, together with the recommendations of the Subdivision Committee.
- (G) Make such other determinations and decisions as may be required of the department by these regulations or by the Planning Commission.

3-203. Duties of the Planning Commission. The Planning Commission shall:

- (A) Review and approve sketch plans in all cases in which the subdivider and the Planning Department have been unable to reach agreement on the sketch plan.
- (B) Review and approve, approve conditionally, or disapprove preliminary plats.
- (C) Review and approve or disapprove final plats and transmit the same to the governing body for acceptance of dedications of streets, alleys and other public ways and sites.

1/20/69

- (D) To transmit the final plat to the County Commission of Sedgwick County for acceptance of dedications of streets, alleys and other public ways and sites.
- (E) Make such other determinations and decisions as may be required of the Planning Commission from time to time by these regulations, or the applicable sections of the Kansas Statutes Annotated.

3-204. Subdivision Committee of the Planning Commission. The planning Commission shall, by resolution or rule, designate a Subdivision Committee composed of any three or more of its members. The Chairman of the Planning Commission shall, with the concurrence of the Commission, appoint a chairman and vice-chairman of the Committee for such time as deemed appropriate. Such Subdivision Committee shall perform, on behalf of the Commission, the duties with respect to sketch plans and preliminary plats imposed on the Commission by Section 3-203 (A) and 3-203 (B) of these regulations. Any person aggrieved by any decision or determination of the Subdivision Committee shall have a right of appeal to, and a hearing de novo before, the Planning Commission.

3-205. Utility Advisory Committee. The Planning Commission shall appoint a utility advisory committee whose duty it shall be to review and make recommendations to the Subdivision Committee on all preliminary and final plats, planned development plans or their equivalent submitted to it. The said Committee shall meet with the Subdivision Committee to submit its recommendations. The Utility Advisory Committee shall consist of representatives of those public and private agencies including the township trustee, having a direct interest in public works, public utilities, health and safety, the enforcement of these regulations, and such other persons as the Commission may from time to time deem necessary.

PART 3. FILING FEES

3-301. Filing fees

- (A) The filing fee shall be \$50.00 plus \$3.00 for each lot over one based on the number of lots shown on the preliminary plat, or the number of lots proposed on any plat filed under Article 4, Part 5.
- (B) The filing fees for lot-split shall be \$20.00.

2/12/70

PART 3. FINAL PLATS

4-301. Filing of Final Plats. The final plat, on tracing cloth or on other such material as may be authorized by these regulations, together with the same number of copies as are required for submission as a preliminary plat shall be filed with the Planning Department within twelve months after the date that the preliminary plat is approved. The Planning Department shall transmit the final plat to the Subdivision Committee, together with its report and recommendations thereon.

4-302. Action by Subdivision Committee. The Subdivision Committee shall approve a final plat if:

- (A) It is substantially the same as the approved preliminary plat;
- (B) There has been compliance with all the conditions, restrictions and requirements of these regulations and of the other applicable regulations or laws;
- (C) There has been compliance with any conditions that may have been attached to the approval of the preliminary plat.

If the Subdivision Committee disapproves the final plat, it shall advise the subdivider in writing of the reasons for such disapproval within ten days after such disapproval. All actions of the Subdivision Committee shall be forwarded to the Planning Commission for final action and determination.

4-303. Action by the Planning Commission. The Planning Commission shall within sixty days after the plat has been submitted to the Subdivision Committee either approve or disapprove the plat. If the Planning Commission disapproves the final plat, it shall advise the subdivider in writing of the reasons for such disapproval within ten days after disapproval.

4-304. Failure of Planning Commission to Act on Final Plat. If the Planning Commission fails to act on the final plat within 60 days after it has been submitted for final approval, it shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.

1/20/69

4-305. Submission to Governing Body. Before a final plat is recorded, it shall be submitted to the appropriate governing body for its acceptance of streets and other public ways, service and utility easements, and land dedicated for public use. When within a City, acceptance of such dedication shall be shown over the signature of the Mayor or any other City official duly authorized to act during the absence or disability of the Mayor and attested to by the City Clerk. When any portion of a final plat is located in the unincorporated area of Sedgwick County, it shall also be submitted to the Board of County Commissioners for acceptance of dedications. The failure of the governing body of the City or the Board of County Commissioners to execute an acceptance of dedications shown on any plat shall be deemed to be a refusal of the proposed dedications shown thereon.

PART 4. UNIT DEVELOPMENTS¹

4-401. The foregoing provisions of these regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:

- (A) Each unit of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically. Such units should, if possible, contain at least 20 lots.
- (B) The approval of the Director of Planning upon the advice of the local Public Works or Engineering Officials as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.
- (C) A final plat of at least one unit shall be submitted for approval within twelve months from the date of approval of the preliminary plat, and final plats of all such units shall be submitted for approval within three years from the date that the preliminary plat was approved. The Director of Planning on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one year.

1/20/69

ARTICLE 7

DESIGN STANDARDS

PART 1. GENERAL STANDARDS.

7-101. SCOPE. All subdivision of land subject to these regulations shall conform to the design standards of this Article 7.

7-102. Development Plan. No subdivision shall conflict with the comprehensive plan of the metropolitan area.

7-103. Land Subject to Flooding

- (A) No land subject to periodic flooding shall be subdivided for residential use or any other use which would be incompatible with such flooding.
- (B) If improvements meeting the standards and requirements of Wichita-Valley Center Flood Control Office, or available published standards and requirements, designed so as to render such land safe for residential or other intended occupancy are made on land which is subject to periodic flooding or which has inadequate drainage, then and only in that event, the provisions of paragraph (A) above shall not bar the approval of such subdivision. The costs of such improvements shall be at no expense to local units of government provided that participation in the costs by state and federal agencies may be accepted.

7-104. Access. All lots located in any subdivision shall be served directly by a public street except that private streets may be permitted as a part of a Planned Unit Development or equivalent thereto.

7-105. Parks, Playgrounds, Open Space, Schools and Public Facility Sites. The Planning Commission may require as a condition precedent to approval of any subdivision plat:

- (A) That said subdivider offer to sell to the appropriate public body, agency or authority, lands, sites, and locations for parks, playgrounds, openspace, schools or other public facilities. If such public body, agency or authority purchases any such offered lands, sites or locations prior to the date on which the subdivider's plat of subdivision is recorded with the Register of Deeds, the market price for such lands, sites or locations shall be computed as the appropriate proportion of the fair market value of the entire subdivision area as undivided land as of the date on which the subdivider submits his preliminary plat of subdivision for approval, or if no preliminary plat is required to be submitted, as of the date

on which the subdivider submits his plan of subdivision for approval, plus that percentage of the costs of improvements required as a part of the plat allocable to that portion being purchased.

- (B) That said subdivider reserve for sale to the appropriate public body, agency or authority, lands, sites, and locations for parks, playgrounds, open space, schools or other public facilities; Provided, however, that a subdivider shall not be required to reserve such lands, sites and locations for a period longer than (i) two (2) years after the date of recording the subdivision plat with the Register of Deeds, or (ii) sixty (60) days after actual construction shall have been commenced on 75 percent of the residential units in the subdivision, whichever shall result in a longer period of time. The market price for such lands, sites, and locations shall be their fair market value as of the date that such public body, agency, or authority notifies the subdivider, in writing, of its intention to purchase such lands, sites or locations or portions thereof, plus that percentage of the costs of improvements required as a part of the plat allocable to that portion being reserved, plus all taxes and assessments which have been paid from the time such reservation of lands was required until such lands are purchased.
- (C) These provisions shall apply only to subdivisions or the parts thereof designed or intended for residential development or occupancy.

PART 2. SPECIFIC STANDARDS.

7-201. Streets - Layout and Design.

- (A) The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive development plan and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets.
- (B) Where such is not shown on the development plan, the arrangement of streets in a subdivision shall either:
- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.

March 8, 1973

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

S/D 72-133 - CHEL C. MEADE ADDITION

Attached are copies of the Subdivision Regulations controlling the approval of platting. It should be recognized that the Kansas statutes provide that the Planning Commission shall have the authority to adopt and administer subdivision regulations, subject to the regulations being approved by the Governing Body before they become effective. It has been by local option and choice of the Metropolitan Area Planning Commission that Governing Bodies are given co-approval authority of each and every plat in lieu of what the statutes had intended for planning commissions to make the approvals. Page 6, Section 3-203, sub-paragraph C, and page 14, Section 4-304 speak to the authorities of the Governing Body in approving plats and accepting dedications for street rights-of-way.

Article 7 of the Subdivision Regulations speaks to the standards to be applied in considering and approving a plat. Although the question of access control, which was mentioned at the meeting of February 28, is not specifically spelled out, it does generally fall under 7-201(A), page 29, in dealing with the "character" of the streets. Also, case law in Kansas has established that the Planning Commission has the right to deal with and review this type of question.

The only procedure for not approving a plat is really with the Planning Commission, through its approval under Section 4-205, which allows the Subdivision Committee to consider the regulations (subdivision), the comprehensive plans for the area, the zoning regulations and other applicable provisions of local ordinances and regulations. It is assumed that once a plat has been approved in preliminary form that the remainder of the approvals are largely meeting the legal requirements and accepting rights-of-way and reviewing policy judgments made by the Planning Commission in its review and approval of the preliminary plat.

The question of whether or not a plat may be not approved, based on need for future right-of-way, will be addressed by the Law Department.

RAL:bcz

cc: John Dekker, Director of Law
H. R. Kuhn, Assistant City Attorney

March 5, 1973

Mr. Dale B. Stinson, Jr., Attorney
430 R. H. Garvey Building
Wichita, Kansas 67202

Re: S/D 72-133 - Final Plat of
CHEL C. MEADE ADDITION

Dear Mr. Stinson:

The City Commission, at its meeting on February 20, deferred the above plat for four weeks, with the following action to be taken during the interim:

- 1) Provide the pertinent provisions of the Subdivision Regulations controlling this plat.
- 2) Provide notification to applicant.
- 3) Provide a legal opinion as to the Commission's responsibility to approve a plat when the Commission has previously granted the zoning on the property.

This matter came up in relation to the discussion on future right-of-way acquisition for U. S. 54. Mr. Dekker will provide the legal opinions; we will provide the other information to the City Commission. As soon as my material is prepared, it will be available to you and your client.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber

cc: Chel C. Meade, 2510 East Central 67214
K. O. Taylor, 1542 South St. Francis 67211

STINSON & LASSWELL
ATTORNEYS AT LAW
430 R. H. GARVEY BUILDING
300 WEST DOUGLAS
WICHITA, KANSAS 67202

DALE B. STINSON, JR.
GERALD D. LASSWELL

AREA CODE 316
264-9137

February 14, 1973

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Re: S/D 72-133 - Final Plat of
CHEL C. MEADE ADDITION

AMENDED TITLE OPINION



Gentlemen:

This is to certify that fee title to the following described real property:

Lot One (1), except the South eight feet (8') for street, and all of Lots Three (3) and Five (5) on Sherburne Avenue, now Lorraine Avenue in Conlan's Subdivision of Lots Three (3) and Four (4) in Imboden and Oliver's Addition to Wichita, Sedgwick County, Kansas, and East Half (E/2) of vacated alley adjoining the aforesaid lots on the West,

is vested in

WICHITA KIRBY COMPANY, INC., a Kansas corporation;

and:

Lots Seven (7) and Nine (9) on Sherburne Avenue, now Lorraine Avenue in Conlan's Subdivision of Lots Three (3) and Four (4) in Imboden and Oliver's Addition to Wichita, Sedgwick County, Kansas, and East Half (E/2) of vacated alley adjoining the aforesaid lots on the West,

Wichita-Sedgwick County
Metropolitan Area Planning Commission
February 14, 1973 - Page 2

is vested in

CHEL C. MEADE and MARY ELLEN MEADE, husband and wife.

All of the above described property is that property now being platted as "Chel C. Meade Addition".

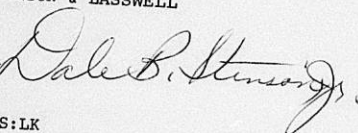
This is to further certify that taxes for the year 1972 and prior years with respect to the above property have been paid.

The above and foregoing opinion is submitted pursuant to requirements of the Metropolitan Area Planning Commission in connection with the final plat of "Chel C. Meade Addition".

Very truly yours,

STINSON & LASSWELL

By



DBS:LK

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE February 20, 1973



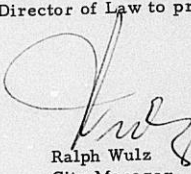
TO Robert A. Lakin, Director of Planning
FROM Ralph Wulz, City Manager

SUBJECT S/D No. 72-133
Chel C. Meade Addition

On February 20, 1973, the City Commission deferred the subject plat for 4 weeks with the following action to be taken during the interim:

- (1) Provide the pertinent provisions of S/D Regulation controlling this plat.
- (2) Provide notification to applicant.
- (3) Provide a legal opinion as to the Commission's responsibilities to approve a plat when the Commission has previously granted the zoning on the property.

Please accept responsibility for coordinating the above requirements. By a copy of this memorandum, I am asking the Director of Law to provide the legal opinion as specified in item (3).


Ralph Wulz
City Manager

RW:fmf

cc: John Dekker, Director of Law



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	72-133	Name	CHEL C. MEADE ADDITION
Application Filed:	12-11-72	Sketch Filed:	12-11-72
Preliminary Plat Filed:	None	Approved by S/D:	N/A
Final Plat Filed:	12-11-72	Approved by S/D:	12-21-72
Approved by Metropolitan Area Planning Commission:			1-11-73

DESCRIPTION

General Location: Northwest corner of Kellogg and Lorraine

Surveyor or Engineer: K. O. Taylor
Owner: Chel C. Meade
Address: 2510 East Central 67214

- | | | |
|--------------------------|---------------|--------------------------------|
| 1. Gross Acreage of Plat | 0.43 | 5. Lineal Feet of New Streets: |
| 2. Number of Lots: | | a. 12 R/W 137 ft. |
| Residential | | b. 4 R/W 123 ft. |
| Commercial | 1 | c. R/W ft. |
| Industrial | | d. R/W ft. |
| Other | | e. R/W ft. |
| Total Number of Lots: | 1 | TOTAL 260 ft. |
| 3. Minimum Lot Frontage: | 123 ft. | 6. Existing Zoning: "A" |
| 4. Minimum Lot Area | 16,420 sq.ft. | |

Valid petitions have been submitted guaranteeing the construction of sidewalks on the north side of Kellogg and the west side of Lorraine Avenue. A certificate has also been submitted certifying the petitions.

Planning Commission Recommendation:

That this plat be approved, subject to recording of the plat within 30 days after approval by the Board of City Commissioners.

Kamen moved, Harrison seconded and it carried unanimously.

NOTE: Associated zone Case Z-1393, "A" to "LC", was approved by the Board of City Commissioners on July 25, 1972, subject to replatting.

ACTION: Approve the petitions and instruct the Director of Law to prepare the necessary resolutions; instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

CERTIFICATE

City of Wichita)
Sedgwick County) ss
State of Kansas)

I, Chel C. Meade + Mary Ellen Meade, owners and plat-
tor of Chel C. Meade Addition, do hereby

certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

1. 4' Sidewalk on the north side of
2. Kellogg St. from Lorraine Ave. to 133.5
3. feet west of Lorraine Ave.
4. 4' Sidewalk on the west side of
5. Lorraine Ave. from Kellogg St.
6. to 123 feet north of Kellogg St.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Chel C. Meade Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 1st day of February, 1973.

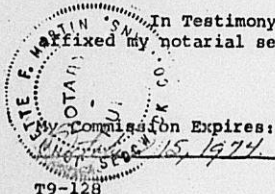
[Signature]
Chel C. Meade

[Signature]
Mary Ellen Meade

City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 1st day of February,
1973, before me, a notary public in and for said County and State,
came CHEL C. MEADE and MARY ELLEN MEADE, to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.



[Signature]
Notary Public

CERTIFICATE

City of Wichita)
Sedgwick County) ss
State of Kansas)

I, Wichita Kirby Company, Inc. owner and plat-
tor of Chel C. Meade Addition, do hereby
certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

1. 4' Sidewalk on the north side of Kellogg St.
from Lorraine Ave. to 133.5 feet
west of Lorraine Ave
- 2.
- 3.
4. 4' Sidewalk on the west side of
Lorraine Ave. from Kellogg St.
to 123 feet north of Kellogg St.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Chel C. Meade Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 1st day of February, 1973.
Wichita Kirby Company, Inc.

ATTEST:

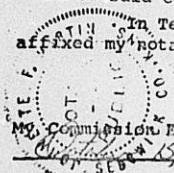
X Mary Ellen Meade
Secretary

By [Signature]
President

City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 1st day of February,
1973, before me, a notary public in and for said County and State,
came C. C. Meade, President of Wichita Kirby Company, Inc. personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same, as the act and
deed of said corporation.

In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.



[Signature]
Notary Public

STINSON & LASSWELL
ATTORNEYS AT LAW
430 R. H. GARVEY BUILDING
300 WEST DOUGLAS
WICHITA, KANSAS 67202

DALE B. STINSON, JR.
GERALD D. LASSWELL

AREA CODE 316
264-9137

February 1, 1973

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Re: S/D 72-133 - Final plat of
CHEL C. MEADE ADDITION

Gentlemen:

This is to certify that fee title to the following described
real property:

Lot One (1), except the South eight feet (8')
for street, and all of Lots Three (3) and Five
(5) on Lherburne Avenue, now Lorraine Avenue
in Conlan's Subdivision of Lots Three (3) and
Four (4) in Imboden and Oliver's Addition to
Wichita, Sedgwick County, Kansas,

is vested in

WICHITA KIRBY COMPANY, INC., a Kansas corporation;

and:

Lots Seven (7) and Nine (9) on Sherburne Avenue,
now Lorraine Avenue in Conlan's Subdivision of
Lots Three (3) and Four (4) in Imboden and Oliver's
Addition to Wichita, Sedgwick County, Kansas,

is vested in

CHEL C. MEADE and MARY ELLEN MEADE, husband and wife.

*MAPP
Received
2-12-73
Hewley*

Wichita-Sedgwick County
Metropolitan Area Planning Commission
February 1, 1973 - Page 2

All of the above described property is that property now being platted as "Chel C. Meade Addition".

This is to further certify that taxes for the year 1972 and prior years with respect to the above property have been paid.

The above and foregoing opinion is submitted pursuant to requirements of the Metropolitan Area Planning Commission in connection with the final plat of "Chel C. Meade Addition".

Very truly yours,

STINSON & LASSWELL

By *Dale S. Stinson*

DBS:LK

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public
Works Maint.

DATE January 26, 1973



**ON SAFETY
PHASE II**

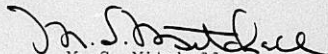
TO Jack Galbraith, Chief Planner - MAPD

FROM M. S. Mitchell

SUBJECT - Chel C. Meade Adn.
SD 72-133

Reference is made to my request before the Subdivision Committee for a lot grading plan for subject plat. Please be advised that on this date such plan has been submitted showing the lot shall be graded to drain to the streets when developed.

This plan is satisfactory; we trust this information is sufficient to permit final processing of the plat.


M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton
John Riddel, Central Inspection w/exh.
Chel C. Meade Adn. Plat File



January 12, 1973

Mr. K. O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 72-133 - Final Plat of
CHEL C. MEADE ADDITION

Dear Mr. Taylor:

At the regular meeting of the Metropolitan Area Planning Commission on January 11, 1973, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of December 22, 1972.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

- ① Compliance with the requirements of the Metropolitan Area Planning Commission.
- ② Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- ③ Certification by an attorney that fee title is vested in the plattor.
- ④ Certification that all taxes due and payable for 1972 and prior years have been paid.

If you have any questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Chel C. Meade, 2510 East Central 67214
Dale Stinson, R. H. Garvey Building 67202

December 22, 1972

Mr. K. O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Subject: S/D 72-133 - Final Plat
of CHEL C. MEADE ADDITION

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, December 21, 1972, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- CF* "Access control except for 1 opening" adjacent to Kellogg shall be indicated on the face of the plat and within the plattoys ~~text~~ *sections*
 - CF* The applicant shall petition for the reconstruction of the existing sidewalks on Kellogg and Lorraine, adjacent to the new property lines.
 - CF* The applicant's engineer shall furnish a lot grading plan to M. S. Mitchell of the Maintenance-Flood Control Office. A letter obtained from Mr. Mitchell approving said plan, shall be submitted to the Planning Department.
 - D* Recording of the plat within 30 days after approval by the Board of City Commissioners.
- The enclosed "marked" copy of the final plat is for your information and files.

Page 2 - Final Plat of CHEL C. MEADE ADDITION
December 22, 1972

This matter will be forwarded to the Planning Commission for its consideration on Thursday, December 28, 1972, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

Enclosure

cc: Chel C. Meade, 2510 East Central, 67214
Dale Stinson, R. H. Carvey Building, 67202

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 72-133 Name CHEL C. MEADE ADDITION
Date Application Rec'd. 12-11-72 Preliminary Approval
Scheduled S/D Meeting 12-21-72

DESCRIPTION

General Location In an area north of Kellogg and on the west side of
Lorraine
Owner Chel C. Meade
Surveyor/Engineer K. O. Taylor
Address 1542 South St. Francis Phone 264-4072

1. Gross Acreage of Plat 0.43
2. Number of Lots:
 - Residential _____
 - Commercial 1
 - Industrial _____
 - Other _____
 - Total Number of Lots 1
3. Minimum Lot Frontage 123 ft.
4. Minimum Lot Area 16,420 sq. ft.
5. Existing Zoning A
6. Proposed Zoning LC
7. Lineal Feet of New Streets:
 - a. 12 R/W 137 ft.
 - b. 4 R/W 123 ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 260 ft.
8. Sidewalk adjacent to all streets? yes No
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X : Three-Mile Area _____

STAFF COMMENTS:

- A. Associated zone case Z-1393, "A" to "LC" has been approved by the Board of City Commissioners subject to replatting.
- B. "Access control except for 1 opening" adjacent to Kellogg shall be indicated on the face of the plat and within the platting text.
- C. The applicant shall petition for the reconstruction of the existing sidewalks on Kellogg and Lorraine, adjacent to the new property lines.
- D. The applicant shall be advised that sidewalk construction will be required prior to final building inspection for lots where the sidewalk has been previously required as a condition of platting.
- E. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: This plat has been submitted in final form only, as provided for in Article 4, Part 5 of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements, or discuss the feasibility of the applicant extending and/or installing same.

Map No.: 5647
Section No.: 22
Twp. No.: 27S
Range: 1E

P/D No. 12-133

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Chel C. Meade Add

General Location: ~~2510 East Central~~ NW Corner Kellogg
& Lorraine

Name of Property Owner: Chel C. Meade
Address: 2510 East Central (14) Phone: 683-5673
Name of ^{agent} ~~Subdivider~~: Dale Stinson Phone: 264-9137
Address: RH Garvey Bldg
Name of Agent/Surveyor: RD Taylor Phone: 264-4072
Address: 1542 So. St. Francis
Date of Application: 11-21-72

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 0.43
2. Number of Lots:
Residential _____
Commercial 1
Industrial _____
Other _____
Total Number of Lots 1
3. Minimum Lot Frontage 123 ft.
4. Minimum Lot Area 16420 ft.
5. Existing Zoning _____
6. Proposed Zoning LC
7. Lineal Feet of New Streets:
a. 12 R/W 137 ft.
b. 4 R/W 123 ft.
c. _____ R/W _____ ft.
d. _____ R/W _____ ft.
e. _____ R/W _____ ft.
TOTAL 260 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewer Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes/No)
12. City of Wichita Three-Mile Area

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: [Signature]

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by Curt Newberry
Date 12-11-72
Fee Submitted \$50.00

Form 223

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

750.00

DESCRIPTION	AMOUNT
<i>Sanitation</i>	

Name *City of Wichita*

Address *1111 North 2nd St*

Dpe *11-407103* Due Date

Comments:

Date *12-11-73* By *Carole Hudg*